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Attorneys for Defendant

SAM'S WEST, INC.

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

CARA NONAKA,

Plaintiff,

vs.

SAM'S WEST, INC. dba SAM'S
CLUB; and JOHN DOES 1-10,

Defendants.

CIVIL NO. 21-00197
(Non-Motor Vehicle Tort)

**NOTICE OF REMOVAL;
EXHIBITS "1" – "2";
CERTIFICATE OF SERVICE**

NOTICE OF REMOVAL

TO THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII:

Pursuant to 28 U.S.C. §§1332, 1441, and 1446, Defendant SAM'S
WEST, INC. ("SAM'S WEST"), files this Notice of Removal in the case now

pending in the Circuit Court of the First Circuit, State of Hawaii, styled Cara Nonaka v. Sam's West, Inc., et al., Civil No. 1CCV-20-0000835. As grounds for removal, SAM'S WEST states as follows:

1. On June 8, 2020, Plaintiff CARA NONAKA ("PLAINTIFF") filed a complaint in Civil No. 1CCV-20-0000835 in the Circuit Court of the First Circuit, State of Hawaii, against SAM'S WEST.

2. Upon information and belief, SAM'S WEST states that no other party has been named or appeared in the action.

3. SAM'S WEST was served with the complaint on April 1, 2021.

4. PLAINTIFF alleges in her complaint that SAM'S WEST is liable to her for damages in connection with a July 14, 2020 accident that occurred on SAM'S WEST premises.

5. PLAINTIFF is a citizen of the State of Hawaii.

6. SAM'S WEST is a citizen of the State of Arkansas (place of incorporation, principal place of business).

7. PLAINTIFF alleges in her complaint that as the result of the July 14, 2020 accident, she sustained "serious bodily injuries."

8. PLAINTIFF prays in her complaint for an award of special damages and general damages against SAM'S WEST. However, because Hawaii law prohibits *ad damnum* clauses in complaints, PLAINTIFF does not specify the amount of damages that she prays for.

9. PLAINTIFF's counsel has affirmed that PLAINTIFF's claimed special damages and general damages total, at least, the sum or value of \$75,000.00.

10. This court has original jurisdiction over civil actions where the matter in controversy exceeds the sum or value of \$75,000.00 and is between citizens of different States within the meaning of 28 U.S.C. §1332.

11. A true and correct copy of PLAINTIFF's complaint filed in the Circuit Court of the First Circuit, State of Hawaii, is attached hereto as Exhibit "1", and comprises all process, pleadings, and orders served upon SAM'S WEST in the action.

12. A true and correct copy of SAM'S WEST's answer to PLAINTIFF's complaint filed in the Circuit Court of the First Circuit, State of Hawaii, is attached hereto as Exhibit "2".

WHEREFORE, Defendant SAM'S WEST, INC. prays that the above-entitled action be removed from the Circuit Court of the First Circuit, State of Hawaii, to the United States District Court for the District of Hawaii.

DATED: Honolulu, Hawaii, April 22, 2021.

/s/ Normand R. Lezy
NORMAND R. LEZY
MICHAEL J. NAKANO
SHAWN L. M. BENTON
Attorneys for Defendant
SAM'S WEST, INC.